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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
Pradhan et al.	)	Examiner: Choudhury, A.
Serial No.: 09/836,924	)	Art Unit: 2145
Filed: April 17, 2001	)	Conf. No: 9018
For: CREATING A VIRTUAL LINK BETWEEN A PHYSICAL LOCATION AND ITS WEB REPRESENTATION	)	

APPEAL BRIEF
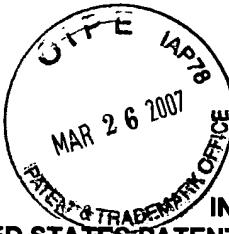
PATENT APPLICATION

ATTORNEY DOCKET NO. __10011962-1__

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Salil PRADHAN et al.   Confirmation No.: 9018

Application No.: 09/836,924   Examiner: Choudhury, A. Q.

Filing Date: 04/17/01   Group Art Unit: 2145

Title: CREATING A VIRTUAL LINK BETWEEN A PHYSICAL LOCATION AND ITS WEB REPRESENTATION

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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on ___01/17/07___.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120   ☐ 2nd Month $450   ☐ 3rd Month $1020   ☐ 4th Month $1590

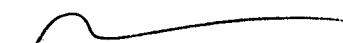☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of __$ 500__. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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Rev 10/05 (AplBrief)

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1. Real Party in Interest

The real party in interest is Hewlett-Packard Company.

2. Related Appeals and Interferences

There are no related appeals or interferences known to the Appellant.

3. Status of Claims

Claims 1-23 are pending. Claims 1-23 are rejected under 35 U.S.C. § 103(a). This appeal involves Claims 1-23.

4. Status of Amendments

An amendment has not been filed subsequent to the final rejection.

5. Summary of Claimed Subject Matter

According to independent Claim 1, a virtual beacon creator system 50 (Figure 3) creates a link between a physical location 45 (Figure 2) and a web page 46 (Figure 2) (page 8, lines 17-18). The system 50 can include a user interface 64 (Figure 3) that receives positional data for the physical location of a receiver system 70 (Figure 2) (page 12, lines 11-14). For purposes of the following discussion, when necessary for clarity, the physical location 45 linked to the web page will be referred to as the "first" physical location, while the physical location of the receiver system will be referred to as the "second" physical location. The system 50 can also include a "virtual beacon," which includes an electronic file 92 (Figure 5) that contains positional data and a web address for the first physical location 45 (page 10, lines 9-12). The virtual beacon is not a physical object situated at the first physical location (page 11,

lines 9-10). The system 50 can also include an association module 62 that creates a link between the positional data for the first physical location 45 and the virtual beacon (e.g., electronic file 92) (page 13, lines 3-11), such that the receiver system 70, when it is at or in the vicinity of the first physical location 45, can receive the electronic file 92 (page 10, lines 21-26). Using the web address in the electronic file 92, the receiver system 70 can access the web page without browsing for the web page.

According to Claim 2, the positional data for the first physical location 45 is in the form of an address for the physical location, which is converted into positional data by the user interface 64 (page 12, lines 18-23).

According to Claim 3, the user interface 64 also receives range data that specifies the range around the first physical location 45 within which the receiver system 70 can receive the electronic file 92 associated with the first physical location (page 18, lines 23-26).

According to Claim 4, a wireless transceiver 66 (Figure 3) sends the electronic file 92 to a remote server system 60 (Figure 6) (page 14, lines 8-9). The remote server system 60 can store the electronic file 92 and send the electronic file to the receiver system 70 (page 14, lines 14-17). The system 50 also can include a web gateway 68 (Figure 3) that sends the electronic file 92 to the remote server system 60 via the Internet (page 14, lines 5-7).

According to Claim 5, the user interface 64 also receives time data that indicates a range of times when the electronic file 92 can be sent, and tag data that indicates the name or label of the web address (page 12, lines 13-17).

According to Claim 6, a positioning module 72 (Figure 3) provides positional data for the current position of the system 50 (page 13, lines 12-19).

According to independent Claim 7, a system 40 (Figure 2) posts a web address of a web page that is associated with a "first" physical location 45 (Figure 2) (page 9, lines 3-7). The system 40 can include a virtual link creator 50 (Figure 2) (page 8, line 5) that creates a virtual beacon, which includes an electronic file 92 (Figure 5) that contains positional data and a web address related to the first physical location 45 (page 10, lines 9-12). The system 40 can also include a virtual link server system 60 (Figure 6) (page 8, line 5) that receives the electronic file 92 and transmits the electronic file to any mobile receiver system 70 (Figure 2) that is at or near the first physical location 45 (page 10, lines 21-26), such that the web address of the first physical location 45 is virtually posted at the first physical location 45 without having to employ a physical object to host the web address (page 11, lines 4-9).

According to Claim 8, the virtual link creator 50 includes a user interface 64 (Figure 3) that receives user inputs that are used by the virtual link creator to form the electronic file 92 (page 12, lines 13-15). Those inputs can include the positional data of the first physical location 45, the web address of the web page, and other property data that can be included in the electronic file (page 12, line 24, through page 13, line 2). The virtual link creator 50 can also include an

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association module 62 (Figure 3) that creates the electronic file 92 (page 13, lines 3-6).

According to Claim 9, the virtual link creator 50 includes a wireless transceiver 66 (Figure 3) that sends the electronic file 92 to the virtual link server system 60 (page 14, lines 8-9), and a web gateway 68 (Figure 3) that sends the electronic file 92 to the virtual link server system 60 via the Internet (page 14, lines 5-7). The virtual link creator 50 can also include a positioning module 72 (Figure 3) that provides positional data for the virtual link creator (page 13, lines 12-19).

According to Claim 10, the property data includes range data that specifies a range around the first physical location 45 within which the receiver system 70 can receive the electronic file 92 (page 18, lines 23-26). The property data can also include time data that indicates a range of times when the electronic file 92 can be sent, and tag data that indicates the name of the web address (page 12, lines 13-17).

According to Claim 11, the virtual link server system 60 only sends the electronic file 92 to remote receiver systems that are at or near the physical location 45 (page 15, line 26, through page 16, line 4).

According to Claim 12, the virtual link server system 60 includes: a store 104 (Figure 6) that stores the electronic file 92; an email server 102 (Figure 6) that sends the electronic file 92 in email form; a web server 103 (Figure 6) that sends the electronic file 92 in web page form; and a gateway 101 (Figure 6) that

interfaces with an external communication network to receive the electronic file 92 and that interfaces with other communication networks to send the electronic file 92 in the email or web page form (page 14, line 25, through page 16, line 13).

According to Claim 13, the virtual link server system 60 includes a filtering module 105 (Figure 6) that receives the following from the requesting receiver system 70: positional data for the current position of the receiver system (e.g., for the "second" physical location), and a request for any electronic file associated with a position at or near the current position of the receiver system. The filtering module 105 can then have the appropriate electronic files sent to the receiver system 70, via an email server 102 and/or a web server 103 (page 16, lines 14-18).

According to Claim 14, the filtering module 105 does not send to the receiver system 70 any electronic files that contain positional data for a position that is not at or near the current position of the receiver system (page 15, line 26, through page 16, line 4; and page 16, lines 14-18).

According to independent Claim 15, a web navigation system 40 (Figure 2) includes a virtual link creator 50 (Figure 2) (page 8, line 5) that creates a virtual beacon, which includes an electronic file 92 (Figure 5) that contains positional data and a web address related to a "first" physical location 45 (page 10, lines 9-12). The system 40 can also include a virtual link server system 60 (Figure 6) (page 8, line 5) that can receive the electronic file 92 and transmit the electronic file via a communication network. The system 40 can also include a receiver system 70 (Figure 2) that has the capability to identify its current

physical location (e.g., the "second" physical location) (page 20, lines 5-8). The receiver system 70 can also communicate with the server system 60 (Figure 6) and with the Internet. The receiver system 70 can provide position data to the server system 60 and receive the electronic file 92 from the server system (page 20, lines 14-16). The server system 60 can monitor the position data received from the receiver system 70 and provide the electronic file 92, including the aforementioned web address, to the receiver system when the receiver system is at or near the first physical location 45 (page 10, lines 21-26). In this manner, the web address of the web page is virtually posted at the first physical location 45 without having to employ a physical object to host the web address at the first physical location (page 11, lines 4-9).

According to Claim 16, the virtual link server system 60 sends the electronic file 92 to the receiver system 70 when the receiver system informs the virtual link server system of its current position and when the virtual link server system determines that the receiver system is at or near the first physical location 45 (page 10, lines 21-26). The virtual link server system 60 can accomplish this by comparing the positional data of the current position of the receiver system 70 with the positional data in the electronic file 92 (page 17, lines 12-22).

According to Claim 17, the virtual link creator 50 includes a user interface 64 (Figure 3) that receives user inputs that are used to form the electronic file 92 (page 12, lines 13-15). The user inputs can include the positional data of the first physical location 45, the web address of the web page, and other property data (page 12, line 24, through page 13, line 2). The virtual link creator can also

include: an association module 62 (Figure 3) that creates the electronic file 92 (page 13, lines 3-6); a wireless transceiver 66 (Figure 3) that can send the electronic file 92 to the virtual link server system 60 (page 14, lines 8-9); a web gateway 68 (Figure 3) that can send the electronic file 92 to the virtual link server system 60 via the Internet (page 14, lines 5-7); and a positioning module 72 (Figure 3) that can provide the positional data of the current position of the virtual link creator 50 (page 13, lines 12-19).

According to Claim 18, the property data includes range data that specifies a range (the "access range") within which the receiver system 70 can receive the electronic file 92 when it is near the first physical location 45 (page 18, lines 23-26). The property data can also include time data that indicates a range of times when the electronic file 92 can be sent, and tag data that indicates the name of the web address (page 12, lines 13-17).

According to Claim 19, the virtual link server system 60 includes: a store 104 (Figure 6) that stores the electronic file 92; an email server 102 (Figure 6) that sends the electronic file 92 in email form; a web server 103 (Figure 6) that sends the electronic file 92 in web page form; a gateway 101 (Figure 6) that interfaces with an external communication network to receive the electronic file 92 and that interfaces with other communication networks to send the electronic file 92 in email or web page form; and a filtering module 105 (Figure 6) that receives the following information from the requesting receiver system 70: positional data of the current position of the receiver system 70 (e.g., the "second" physical location), and a request for any electronic file that contains positional data indicating a position at or near the current position of the receiver

system. The filtering module 105 can then have the appropriate electronic files sent to the receiver system 70, via an email server 102 and/or a web server 103 (page 14, line 25, through page 16, line 18).

According to Claim 20, the filtering module 105 does not send to the receiver system 70 any electronic files that contain positional data for a position that is not at or near the current position of the receiver system (page 15, line 26, through page 16, line 4; and page 16, lines 14-18).

According to Claim 21, the receiver system 70 includes a positioning module 111 (Figure 7) that determines the current position of the receiver system (page 20, lines 5-8). The receiver system 70 can also include a wireless transceiver 113 (Figure 7) (page 20, lines 14-16), a virtual link projector 110 (Figure 7) that displays the names of the web addresses contained in electronic files received from the virtual link server system 60 (page 21, lines 13-16), and a web access module 114 (Figure 7) that uses a selected web address to access the corresponding web page via the Internet (page 20, lines 20-22).

According to Claim 22, the receiver system 70 includes an orientation module 112 (Figure 7) that determines the orientation of the receiver system, and a user interface 134 (Figure 9) (page 20, lines 9-13).

According to Claim 23, the virtual link projector 110 includes a display (Figure 8) that displays the names of the web addresses provided by the electronic files received by the receiver system 70 (page 21, lines 14-16). The virtual link projector 110 can also include a digital horizon module 132 (Figure 9)

that specifies the access range of the receiver system 70 (page 22, lines 3-4), and a vectoring filter 131 (Figure 9) that uses the orientation from the orientation module 112 to filter out electronic files that are within the access range but are not in the direction pointed to by the receiver system 70 (page 22, lines 16-18).

6. Grounds of Rejection to be Reviewed on Appeal

Claims 1-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bandera et al. ("Bandera;" U.S. Patent No. 6,332,127).

7. Arguments

The following arguments are applicable to Claims 1-23, which are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bandera.

Independent Claim 1 recites, in essence, that there can be a web address (a "link") for a web page associated with a "first" physical location. An electronic file contains positional data for the first physical location and the web address. Accordingly, when a receiver system is also at or near the first physical location, the receiver system can receive the aforementioned web address (link). More specifically, the inventive system can correlate the physical location of the receiver system with positional data in an electronic file, and then can send the web address (link) contained in that electronic file to the receiver system. The receiving system therefore receives a web address associated with the physical location of the receiving system. Independent Claims 7 and 15 include limitations similar to the above.

As recited in dependent Claims 3, 10 and 18, a range around the location of the receiving system (the access range) can be specified – as a result, the receiving system may end up receiving multiple web addresses associated with multiple nearby physical locations. As recited in Claim 21, for example, those multiple web addresses can then be displayed, allowing a user to select a web address of particular interest and to optionally display the web page associated with the selected web address.

Significantly, the web address(es) are received without having to browse (search for) them. Also of significance, there does not need to be a physical object (a physical beacon) at the first physical location.

To summarize, according to the independent claims, a link (e.g., a web address) is provided to a receiving system depending on the location of the receiving system. In contrast, according to Bandera, a web page is provided to a receiving system. Appellant respectfully submits that the difference between Bandera and the claimed invention is neither trivial nor obvious. Appellant respectfully submits that the bandwidth and computational effort associated with receiving, building and displaying a web page at the receiving system is greater than that associated with receiving and displaying a web address. Appellant respectfully submits that receiving a link (as claimed) versus receiving a web page (per Bandera) is particularly advantageous in those situations in which there may be multiple links/web pages associated with the location of the receiving system. For example, consider a shopping mall in which there are multiple stores in proximity to one another, but a user is seeking the web page associated with only one of the stores. According to the present claimed

invention, a user can receive and display multiple links (multiple web addresses) associated with all of the stores in access range, and can then select only the desired link; however, according to Bandera, the user will receive multiple web pages that are automatically and concurrently displayed.

In the final rejection, the Examiner mentions that the web page sent by Bandera may include a web address. More specifically, as understood by the Appellant, Bandera appears to describe that the content of a web page is selected based on the receiving system's location and that content can contain a web address. However, and importantly, Bandera does not teach that the web address that is so selected is for a web page associated with the aforementioned first physical location, at or near the receiving system's location. In other words, according to Bandera, a receiving system that is at a physical location can receive a web page associated with that physical location, and that web page may include a web address, but Bandera does not teach that the web address is for a web page associated with that physical location. To put it yet another way, according to Bandera, a receiving system can receive a first web page that contains content selected according to the receiving system's physical location, and the first web page may contain a web address for a second web page, but Bandera does not teach that the second web page is associated with the receiving system's physical location. Thus, Appellant respectfully submits that Bandera does not show or suggest "the receiver system near the physical location having the web page can receive the electronic file to access the web page without browsing" as recited in independent Claim 1 and as similarly recited in independent Claims 7 and 15.

Accordingly, Appellant respectfully submits that the basis for rejecting independent Claims 1, 7 and 15 under 35 U.S.C. § 103(a) is traversed and that Claims 1, 7 and 15 are allowable over Bandera. Because Claims 2-6, 8-14 and 16-23 are dependent on Claim 1, 7 or 15 and recite additional limitations, Appellant also respectfully submits that the basis for rejecting Claims 2-6, 8-14 and 16-23 under 35 U.S.C. § 103(a) is traversed and that these claims are allowable over Bandera.

8. Conclusions

Appellant believes that Claims 1-23 traverse the basis for rejection under 35 U.S.C. § 103(a).

Appellant respectfully requests that the rejections of Claims 1-23 be reversed.

Respectfully submitted,

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Dated: 3/17, 2007

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Appendix I – Clean Copy of Claims on Appeal

1. (previously presented) A system for creating a link between a physical location and its web page, comprising:

a user interface that receives positional data related to a physical location of a receiver system;

a virtual beacon comprising an electronic file containing positional data and a web address related to a physical location having a web page;

an association module coupled to the user interface to create a link between the positional data related to the physical location of the receiver system and the virtual beacon comprising the electronic file containing the positional data and the web address related to the physical location having the web page such that the receiver system near the physical location having the web page can receive the electronic file to access the web page without browsing, wherein the virtual beacon is not a physical object.

2. (original) The system of claim 1, wherein the positional data received is in the form of address of the physical location and the user interface converts that into the positional data.

3. (original) The system of claim 1, wherein the user interface also receives a range data that specifies access range from the physical location within which the receiver system can receive the electronic file.

4. (previously presented) The system of claim 1, further comprises a wireless transceiver that sends the electronic file wirelessly to a remote server system, wherein the remote server system stores the electronic file and sends

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the electronic file to the receiver system, wherein the system further comprises a web gateway that sends the electronic file to a remote server system via an external Internet.

5. (original) The system of claim 1, wherein the user interface also receives a time data that indicates a range of times when the electronic file can be sent, and a tag data that indicates the name or label of the web address.

6. (original) The system of claim 1, further comprising a positioning module that provides the positional data of the current position of the system.

7. (previously presented) A system for posting a web address of a web page associated with a physical location, comprising:

a virtual link creator that creates a virtual beacon comprising an electronic file that contains positional data and a web address related to a physical location having a web page;

a virtual link server system that receives the virtual beacon comprising the electronic file and transmits the electronic file to any mobile receiver system at or near the physical location related to the virtual beacon position via a communication network such that the web address of the physical location having the web page is virtually posted at the physical location having the web page via the virtual beacon without employing a physical object to host the web address.

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8. (original) The system of claim 7, wherein the virtual link creator further comprises

a user interface that receives user input of the positional data of the physical location, the web address of the web page, and other property data, wherein the electronic file also includes the other property data;

an association module that creates the electronic file that includes the positional data and the web address.

9. (original) The system of claim 8, wherein the virtual link creator further comprises

a wireless transceiver that sends the electronic file to the virtual link server system;

a web gateway that sends the electronic file to the virtual link server system via an external Internet when the virtual link server system is also coupled to the external Internet;

a positioning module that provides the positional data of the current position of the virtual link creator.

10. (original) The system of claim 8, wherein the property data include a range data that specifies access range within which the receiver system can receive the electronic file when near the physical location, a time data that indicates a range of times when the electronic file can be sent, and a tag data that indicates the name or label of the web address.

11. (original) The system of claim 7, wherein the virtual link server system only sends the electronic file to remote receiver systems that are at or near the physical location although the electronic file is not located adjacent to the physical location.

12. (original) The system of claim 7, wherein the virtual link server system further comprises

a store that stores the electronic file;

an email server that sends the electronic file in email form;

a web server that sends the electronic file in web page form;

a gateway that interfaces with the external communication network to receive the electronic file, and interfaces with other communication networks to send the electronic file in the email or web page form.

13. (original) The system of claim 12, wherein the virtual link server system further comprises a filtering module that receives, from the requesting receiver system, the positional data of the current position of the receiver system and a request for any electronic file with a positional data indicating a position at or near the current position of the receiver system, wherein the filtering module then causes all electronic files stored in the store with the positional data indicating a position at or near the current position of the receiver system to be sent via one of the email server and the web server to the requesting receiver system based on the range data of the respective electronic files.

14. (original) The system of claim 13; wherein the filtering module does not cause any electronic file stored in the store with the positional data indicating a position not at or near the current position of the receiver system to be sent to the receiver system.

15. (previously presented) A web navigation system, comprising:

a virtual link creator that creates a virtual beacon comprising an electronic file that contains positional data and a web address related to a physical location having a web page associated therewith;

a virtual link server system that receives the virtual beacon comprising the electronic file, wherein the server system can transmit the virtual beacon comprising electronic file via a communication network;

a receiver system having position data capabilities related to a current physical location of said receiver system, said receiver system capable of communicating with the server system and external Internet, said receiver system providing the position data to said server system and receiving the virtual beacon comprising the electronic file from the server system, said server system monitoring the position data from said receiver system and providing a virtual beacon comprising the electronic file and the web address when the receiver system is near the physical location such that the web address of the web page is virtually posted at the physical location without employing a physical object to host the web address at the physical location.

16. (original) The system of claim 15, wherein the virtual link server system sends the electronic file to the receiver system when the receiver system informs the virtual link server system of its current position and when the virtual

link server system determines that the receiver system is at or near the physical location by comparing the positional data of the current position of the receiver system with the positional data in the electronic file.

17. (original) The system of claim 15, wherein the virtual link creator further comprises

a user interface that receives user input of the positional data of the physical location, the web address of the web page, and other property data, wherein the electronic file also includes the other property data;

an association module that creates the electronic file that includes the positional data and the web address;

a wireless transceiver that sends the electronic file to the virtual link server system;

a web gateway that sends the electronic file to the virtual link server system via an external Internet when the virtual link server system is also coupled to the external Internet;

a positioning module that provides the positional data of the current position of the virtual link creator.

18. (original) The system of claim 17, wherein the property data include a range data that specifies access range within which the receiver system can receive the electronic file when near the physical location, a time data that indicates a range of times when the electronic file can be sent, and a tag data that indicates the name or label of the web address.

19. (original) The system of claim 15, wherein the virtual link server system further comprises

a store that stores the electronic file;

an email server that sends the electronic file in email form;

a web server that sends the electronic file in web page form;

a gateway that interfaces with the external communication network to receive the electronic file from the virtual link creator, and interfaces with other communication networks to send the electronic file in the email or web page form to the receiver system;

a filtering module that receives, from the requesting receiver system, the positional data of the current position of the receiver system and a request for any electronic file with a positional data indicating a position at or near the current position of the receiver system, wherein the filtering module then causes all electronic files stored in the store with the positional data indicating a position at or near the current position of the receiver system to be sent via one of the email server and the web server to the requesting receiver system based on the range data of the respective electronic files.

20. (original) The system of claim 19, wherein the filtering module does not cause any electronic file stored in the store with the positional data indicating a position not at or near the current position of the receiver system to be sent to the receiver system.

21. (original) The system of claim 15, wherein the receiver system further comprises

a positioning module that determines the current position of the receiver system;

a wireless transceiver that sends a request for the electronic file to the virtual link server system, wherein the request includes the positional data of the current position of the receiver system, wherein the transceiver also receives the electronic file from the virtual link server system;

a virtual link projector that displays the names of the web addresses contained in all electronic files received from the virtual link server system;

a web access module that uses a selected web address to access the corresponding web page via the external Internet.

22. (original) The system of claim 21, wherein the receiver system further comprises

an orientation module that determines the orientation of the receiver system, wherein the positional data of the current position of the receiver system includes the orientation of the receiver system;

a user interface that allows the receiver system to receive user input of (1) the positional data of the receiver system and (2) an access range data that specifies an access range of the receiver system in receiving electronic files.

23. (original) The system of claim 22, wherein the virtual link projector further comprises

a display that displays the names of the web addresses in all electronic files received by the receiver system;

a digital horizon module that specifies the access range of the receiver system in receiving the electronic files;

a vectoring filter that uses the orientation from the orientation module to filter out electronic files within the access range but not in the direction pointed by the receiver system.

Appendix II – Evidence

There is no evidence entered and relied upon in this appeal.

Appendix III – Related Proceedings

There are no proceedings identified as related appeals and interferences.